

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL BELL,

Defendant.

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No. 3:22-CR-99-KAC-JEM

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or recommendation as appropriate. This case is before the Court on Defendant Michael Bell's Motion to Continue Trial and All Associated Deadlines [Doc. 15], filed on November 15, 2022.

In the motion, counsel for Defendant states that he was appointed to represent Defendant on October 19, 2022, that he received initial discovery on October 26, 2022, and that—while he and the Government are working diligently to address any outstanding discovery issues—there may still be outstanding discovery he has not yet received. Counsel further relates that the co-defendant in this case has not yet made an Initial Appearance. He says that he needs additional time to investigate the case, review the discovery materials, advise Defendant, and prepare for trial, and avers that all of this cannot be done by the December 20, 2022 trial date. Finally, counsel informs the Court that he has spoken with both Defendant Bell, who understands that a continuance of the trial date will necessarily affect the computation of time pursuant to the Speedy Trial Act, and Assistant United States Attorney Russ Swafford, who does not object to a continuance in this matter.

Based upon the information provided by Defendant in his motion, the Court finds the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a

speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). In making this determination, the Court has considered the factors set forth in 18 U.S.C. § 3161(h)(7)(B). Specifically, the Court concludes that failing to grant a continuance would both result in a miscarriage of justice and deny counsel for Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See id.* § 3161(h)(7)(B)(i)–(iv). Counsel needs additional time to receive and review all of the relevant discovery in this case, advise his client, and prepare for trial, all of which cannot be done by the December 20, 2022 trial date. In addition, the fact that the co-defendant has not yet made an Initial Appearance could impact Defendant’s trial preparations. The Court therefore **GRANTS** Defendant Bell’s Motion to Continue Trial and All Associated Deadlines [**Doc. 15**]. The trial of this case is reset to **April 18, 2023**. A new, comprehensive, trial schedule is included below.

Because the Court has found that the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial, all of the time between the filing of the motion on November 15, 2022, and the new trial date of April 18, 2023, is fully excludable time under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(1)(D), -(h)(7)(A)–(B).

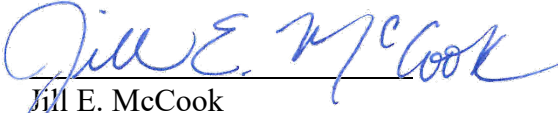
Accordingly, it is **ORDERED** as follows:

- (1) Defendant Michael Bell’s Motion to Continue Trial and All Associated Deadlines [**Doc. 15**] is **GRANTED**;
- (2) The trial of this matter is reset to commence on **April 18, 2023, at 9:00 a.m.**, before the Honorable Katherine A. Crytzer, United States District Judge;
- (3) All time between the filing of the motion on **November 15, 2022**, and the new trial date of **April 18, 2023**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) The new deadline for filing pretrial motions is extended to **January 17, 2023**. Responses to motions are due on or before **January 31, 2023**. **Any necessary hearing on pretrial motions** will be set at a later date;

- (5) The deadline for filing a plea agreement in the record and providing reciprocal discovery is **March 17, 2023**;
- (6) The deadline for filing motions *in limine* is **April 3, 2023**;
- (7) The parties are to appear before the undersigned for a final pretrial conference on **April 4, 2023, at 10:00 a.m.**; and
- (8) Requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4 shall be filed on or before **April 7, 2023**.

IT IS SO ORDERED.

ENTER:


Jill E. McCook
United States Magistrate Judge